

# JURY IS SWORN IN

## Twelve Men Ready to Try Jose Miranda.

(From Wednesday's Advertiser)

Jonathan Shaw, Sam. E. Pierce, Charles Hummel, W. C. Wilder, W. Matlock Campbell, C. J. Lindgren, W. P. Kaohi, F. J. Dutra, Frank E. Blake, C. F. Merrifield, F. E. Nichols, B. F. Vickers.

The above is the jury that will try the case of the Territory of Hawaii vs. Jose Miranda, charged with murder in the first degree, it being alleged that the defendant is the one who murdered S. Edward Damon on the night of Tuesday, September 27, near Moanalua, by stabbing him with a knife.

It was late in the day when the jury was finally found satisfactory to both sides, the last man going into the box, also being the last man on the special venire.

### EXCUSES OF JURORS.

When the examination of prospective jurors was made by M. F. Prosser for the Attorney General's Department, and by George A. Davis and Frank Thompson for the defense, there were some amusing reasons given why they should be excused, although many were for urgent business reasons. A. B. Arleigh, was excused on his plea of business affairs. E. A. Lewis had scruples against the infliction of the death penalty. Harry Armistage had business affairs to attend to. A trio of Hawaiians could not understand English. Jonathan Shaw passed the ordeal and was accepted. J. A. McCandless was excused as having formed an opinion, and Charles S. Crane for the same reason.

A special venire was then issued returnable at 3 p. m. when the examination of prospective jurors was continued.

### THE JURY COMPLETED.

Halela, served to appear as a juror, was discovered to be a police officer and was present in his uniform. He had been a member of the force for ten months.

L. de L. Ward was excused as being sick.

Edwin L. Brown was the only one who could attend to his business. He had several engagements which required his personal attention. His firm, the Dearborn Drug and Chemical Co. was a foreign corporation, and had paid a Territorial tax. This was noted amid laughter.

Manuel Miranda, no relative of the murderer was not of age, being only 17 years of age.

H. W. Lake arose. "Can't you find a seat Mr. Lake," inquired the court. (Laughter.) "You wish to be excused?" "Yes, sir," Davis objected, but the court excused the hotel man.

H. F. Davidson was excused for "the same old reason"—only one who could attend to his dress-making business.

Mr. Hummel was then called to the jury box. He had no scruples against the infliction of capital punishment. He was passed for cause by both sides.

Mr. Axtell was then excused by the defendant.

J. W. Maguire was opposed to capital punishment, and was excused by the prosecution.

John Isaacs had no scruples against the death penalty, although his answers were somewhat indefinite. He was not sure what a "reasonable doubt" meant, but he was sure he could give the prisoner a fair trial. Thompson objected to the juror as not being sufficiently versed in English to be able to understand the Judge's instruction to the jury. Judge Gear asked him what the definition of reasonable was and he replied that he did not know. On this showing, the Judge excused Mr. Isaacs.

J. C. Quinn was opposed to capital punishment.

"What State do you come from?" "Iowa."

"What?" "I didn't say Ireland, Mr. Prosser, I said Iowa."

"You're excused," said the Judge.

C. J. Lindgren had no scruples against the death penalty. He was passed for cause by the defense.

The defense challenged Mr. Naukana.

W. H. Babitt was called. He was opposed to capital punishment. He was challenged by the prosecution and excused.

Frank E. Blake, who, in another murder case, had "read up" on the same in order to get excused from jury duty, was excused.

"You have read of this case in the newspapers?"

"Very sparingly," was the reply, amid general laughter. He said he was not opposed to capital punishment. He was passed for cause by both sides.

The defense waived its next two challenges.

The prosecution excused Mr. Paulo.

Mr. Barnes was called. He was not sure that he could give Miranda a fair trial, although he had a strong impression against the defendant.

"Of course," Mr. Barnes, you know that the newspapers make mistakes, grievous mistakes," said Mr. Davis.

The defense submitted a challenge, which was denied by the prosecution.

Mr. Prosser quoted Chief Justice Marshall in point as to the impression Mr. Barnes had formed. Both sides entered upon a lengthy debate on the question of what Mr. Barnes meant to imply by the "impression" he had formed by reading the newspapers.

The court ruled in favor of the defense and excused the juror.

E. G. Carrera was called. He had no scruples against the death penalty. He had a strong impression in the case, feeling that as defendant was the prisoner, he was the guilty one. Mr. Carrera was challenged and excused.

E. F. Vickers was called. He had no

scruples against the infliction of the death penalty.

"Were you down town the night of the murder," asked Mr. Thompson.

"Yes, I was down town where I met Mr. Taylor here and he told me that Mr. Damon had been stabbed."

The juror was passed.

The jury was then pronounced satisfactory to both sides and the twelve men were sworn by Clerk Sims.

Judge Gear said he was perfectly willing to go on with a night session. The Attorney General said he was not ready, having sent his witnesses away as it was then 5 o'clock.

The Judge cautioned the jury not to converse with any one. They were not to separate, and no individual could leave the others without being in charge of a bailiff.

Bailiff Ellis took charge of the jury and escorted that body to the Hawaiian Hotel where a cottage has been set apart for the twelve men.

"I can't see why we cannot go on with this case tonight," said George Davis.

"There's a good many things you can't see," Mr. Davis, rejoined the court. This case will be adjourned to 9:30 o'clock this morning.

### BOYD CASE CONTINUED.

In the case of the Territory vs. E. S. Boyd, embezzlement, set for hearing yesterday in Judge Robinson's court, Attorney Chillingworth appeared for defendant but on request of the Attorney General the case was continued until the conclusion of the Miranda murder case. The jurors were excused until today.

### MRS. TURK LOSES.

Frank J. Turk yesterday was awarded a decision by Judge Robinson in his action against Estrella Turk, his former wife. This gives him the custody of a horse, buggy and harness.

The Judge said that although in reason he felt Mrs. Turk should have the property, yet he had to abide by the statute.

### JUDGE DE BOLT'S CASES.

Judge De Bolt will call the balance of the civil cases on his calendar on Friday morning, October 7 at 9 a. m.

### A LITTLE LOVE-FEAST.

While waiting for the prisoner to appear in the Damon murder case yesterday afternoon in Judge Gear's court it was suggested to Attorney General Andrews that perhaps the prisoner had escaped. Chester Doyle, who was sitting nearby ventured the opinion that he was being registered.

The wait also brought out an incident which caused widespread interest. Both Attorney General Andrews and George A. Davis were discovered joking together as if they were bosom friends.

### SHOULD CHAIN STREETS.

There seems a need for chaining up Mililani street between King and Queen streets during sessions of court under Judges Gear and De Bolt. When wagons pass by, witnesses' testimony is drowned out and a serious interruption to the progress of cases occurs. During court sessions in New Orleans, the streets surrounding the court house are chained in.

### PUNA ACQUIESCES.

In the case of the First National Bank vs. Puna Sugar Company, et al., the defendant company has filed its answer consenting to an order or decree, as well as the appointing of a receiver of all the property mentioned in the deed of trust.

The B. F. Dillingham Co. makes identical answer. It further states that it does not claim or pretend to have any right, title or interest in the deed of trust or in and to the moneys due thereon.

EMMELUTH WANTS DAMAGES.

The amended complaint of plaintiff in the case of John Emmeluth vs. Mary E. Forster was filed yesterday. It is complained that the defendant has unjustly taken into her exclusive possession and converted to her use certain real property as follows: The share of Opu (K) in the Huiaina of Kahana in Koolauloa, Oahu. Plaintiff claims to own in fee simple one undivided one-half of the aforesaid property, and therefore claims damages in the sum of \$250.

## WHEN THE BAILIFF TOOK THE JURY

When Judge Gear had sworn in the Damon murder jury last evening and announced that the jurors would be held in the custody of the bailiff and would not be permitted to separate, but would pass the night at the Hawaiian Hotel, there was consternation in the box. They began bobbing up and beckoning to the judge to ask favors.

"Judge, I was drawn for this jury about 2 o'clock and made no arrangements about my business," said one. "I would like to go home and get a bath and bring down some fresh linen."

"That's all right," returned the Judge, "we'll give you a bath at the hotel free of charge and send a bailiff to your house for your clothes."

"Your honor, I would like to go to my office and explain a few things to my bookkeeper," said another. "I've got to do it."

"Well, we'll send the bookkeeper to the hotel to see you," answered the Judge.

"I'd like to go home to see my wife," was another's plea. "She doesn't like to have me stay out at nights and I would like to tell her in advance why I won't be home tonight." And so on.

### CHAMBERLAIN'S COUGH REMEDY CURES COUGHS.

This remedy acts on nature's plan, attacks the cough, relieves the lungs, aids expectoration, opens the secretions, and aids nature in restoring the system to a healthy condition. It is a remedy for its cures over a large part of the civilized world. For sale by all druggists and druggists. Beware of cheap imitations. Chamberlain, Smith & Co., Ltd., Agents for Hawaii.

A benefit dance will be given by the Hawaiian Band at the Hawaiian Hotel, on Friday night, at 8 o'clock. The band will be playing at 8 o'clock.

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# MIRANDA MURDER TRIAL IS NEARING CONCLUSION



JOSE MIRANDA, THE PORTO RICAN WHO IS BEING TRIED IN JUDGE GEAR'S COURT FOR THE MURDER OF S. EDWARD DAMON.

Photo by H. P. Roth.

## Only One More Witness to Be Called by the Prosecution—Story of the Tragedy as Told by Witnesses.

(From Thursday's Advertiser.)

Despite many arguments on the admissibility of evidence, in the course of which the jury would be excused from the courtroom, the trial of Jose Miranda for the murder of Samuel Edward Damon made good progress yesterday. Prospects are good for a conclusion of the trial today.

The prosecution has but one more witness to call. This is the woman, Marie Antonia Collona, who was with Miranda and "the blind boy," Chito, when Damon was stabbed. An interesting coincidence in respect to this woman is that George A. Davis, first counsel for Miranda assigned by the court, when a Circuit Judge sentenced her to a year's imprisonment for some offense.

Some evidence offered was ruled out on the questions and other evidence struck out on motion of the defense after the answers had been recorded. Messrs. Davis and Thompson were both alert in seizing upon every legal objection they could raise from the books to intercept points attempted to be made by the prosecution.

### RESUME OF PROCEEDINGS.

Attorney General Lorrin Andrews, who is assisted by his Deputy, M. F. Prosser, opened the Territory's case to the jury at 10 o'clock, first reading the indictment and then narrating the circumstances of the crime that would be endeavored to be brought home to the defendant at the bar.

Olaf Sorenson of the Survey Department, the first witness called, identified the map he had made of part of the Ewa road showing marked different points to be referred to by witnesses.

Dr. James R. Judd testified regarding the fatal wound in Damon's body. The instrument had pierced through the abdomen to the lumbar muscles, reaching to within two inches of the surface in the victim's back. Witness identified the white shirt that with trousers formed Damon's apparel when he was carried to the Queen's Hospital. He showed the rent the dagger had made, as the garment dyed with blood was exhibited to the jury.

High Sheriff A. M. Brown was called and asked if it was his duty to appoint special police officers. Counsel for the defense having requested a statement of the object in view, Mr. Andrews stated that it was the purpose of the prosecution to show that Damon was a special police officer at the time he was remonstrated with by the Porto Rican for removing a lantern from the roadside.

Counsel for the defense objected that the indictment did not charge Miranda with killing a police officer, hence evidence to show that a police officer was killed in the performance of duty would be unfair to the defendant.

The witness was withdrawn.

Eugene P. Sullivan was next called. Testifying about 6:30 he and T. O'Connell took a walk in the direction of Moanalua until they reached the bridge, when they started back in the direction of Honolulu.

Two Chinese men were then seen. One was carrying a lantern and the other was carrying a lantern.

The witness was then withdrawn.

Honolulu. They were in front of witnesses.

As they continued walking, they saw a buggy coming from Honolulu way. When the buggy met the persons having the lantern, words were heard as of argument. At first the talk was in Hawaiian. One of the three with the lantern was a man in a white coat and another a good-sized woman. The lantern had been thrown into the middle of the road.

Damon stopped his buggy on the makai side of the road and was seen by witness going to the middle of the road from behind the buggy. As witness and O'Connell approached the scene of argument, witness heard the man in the white coat sing out:

"What do you want?" "That's my lantern, damn you, and I want you to put it back," was Damon's answer.

The Porto Rican then made a rush at Damon and struck him low with an under swing of his arm, which witness on the stand illustrated. Damon retreated toward his buggy, where he responded to his name when addressed by witness. Witness asked what the matter was, as he went toward the Porto Rican. Damon answered that he was cut and when Sullivan repeated



THE LATE S. E. DAMON.

ed the question to the Porto Rican the latter said:

"You better keep away from me." Witness went back to Damon, who answered further questioning by saying he was hurt "awfully bad." Damon said something about "doctor." Witness could not remember just what witness got the Chinaman who had been with Damon in the buggy to get out of the front seat and take the back of the buggy. Then he got Damon into the buggy and put his right arm around him, driving with his left hand as quickly as possible for Honolulu.

Damon was bleeding directly after the attack. Witness stopped at the Kalili station and shouted that Eddie Damon was badly cut, and that two men and a woman who had done it were at the foot of the hill telling the police to pursue them to ring up the police in Honolulu. He drove Damon to a doctor's study. He drove Damon to a doctor's study. He drove Damon to a doctor's study.

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contact with either the head or shoulder of the Porto Rican. The movement he made was like the gesture of a command.

To jurors taking a hand in cross-examination, Sullivan said the Porto Rican came at Damon with a rush. He could not tell whether Damon's hand was open or closed. It was very dark and the whole trouble might have been not more than two minutes, or even one minute.

Counsel for the defense objected strongly to certain questions by jurors. Mr. Davis concluding one of his protests by exclaiming, "That's the limit."

Judge Gear allowed some of the questions, however, and as to others not strictly admissible from the jury took the undisputed authority of the court to put the questions.

T. Ozawa, called, gave practically the same story as Sullivan's. One exception was that he had not caught the words between Damon and the Porto Rican. At the time of the final dispute, witness was engaged in holding back his dog. Mr. Davis made repeated attempts to get the witness to say that there was a quarrel, but the furthest Ozawa would go was to say that there was talk in loud tones. He refused to say even that the parties were talking angrily. Ozawa was dismissed at 12:45, when recess was taken until 2 p. m.

Detective McDuffie was called after recess. There was a long wrangle, after he identified the dagger as that which he had found about 100 feet from the scene of the stabbing, over the admissibility of his evidence of Miranda's admission to him in Oahu Prison, voluntarily, that the dagger belonged to him. Judge Gear finally admitted the evidence. Evidence of a robbery committed by Miranda, for which the police were seeking his arrest all day before the murder, was after a strenuous argument ordered stricken out.

The Chinese driver for Damon, Deputy Sheriff Chillingworth and Chito were called and examined. "The blind boy," Chito, testified of orders given by Miranda the day of the murder to carry stones with which to hit any Chinaman whom they might meet. This under objection was ordered stricken out.

The woman Collona, as last witness for the prosecution, will be called this morning.

### BOYD'S TRIAL DEFERRED.

Judge Robinson yesterday continued the trial of E. S. Boyd for embezzling public money while Commissioner of Public Lands, at the request of the Attorney General, until after the conclusion of the Miranda murder trial before Judge Gear. S. F. Chillingworth, attorney for defendant, entered objections to continuance.

### CIVIL JURY SHORT.

Kwong Lee Yuen Co. vs. Alliance Insurance Co. came up for trial before Judge De Bolt yesterday. The jury panel became exhausted and a special venire with 26 names was issued, returnable at 10 o'clock this morning.

Ballou & Marx for plaintiff; L. A. Thurston and Robertson & Wilder for defendant.

### FORECLOSURE APPEAL.

W. C. Achi and W. R. Castle by Castle & Withington, their attorneys, and Kapohahi Estate, Ltd., by C. W. Ashford, its attorney, in the case of H. Hackford Co., Ltd., vs. W. C. Achi and others, have appealed to the Supreme Court from the order of Judge Robinson providing that the sale of the property under foreclosure shall proceed, notwithstanding the appeal of these defendants from the decree, unless these defendants shall give security in the sum of \$2000.

### COURT NOTES.

Olaf Sugar Co., Ltd., by its president, L. A. Thurston, answers the bill of First National Bank of Hawaii et al. vs. Puna Sugar Co., Ltd., et al., saying that, without confessing all of the allegations, this defendant consents to a decree appointing a receiver of the property mentioned in the deed of trust.

Judge De Bolt yesterday overruled the demurrer of defendants in the suit of J. H. Schnack vs. Mary J. Montano and husband, an action to recover a real estate agent's commission.

Robert John Cochran answers the libel in divorce of Cora Eliza Cochran, denying all statements given as cause for divorce.

Judge Robinson approved the accounts and granted the discharge of Virginia Gomez, executrix of the will of Francisco Gomez Capiche.

### OFFICIAL DINNER TO SUPREME JUSTICES

Chief Justice Walter F. Frear has issued invitations to an official dinner to be given on Monday evening next at the Alexander Young Hotel, complimentary to Supreme Court Justices Hartwell and Hatch.

### Stabbing Affray.

Two stabbing affrays have made life strenuous at the little village of Waianae during the past few days. Last Saturday afternoon one Leok Hong stabbed a fellow Chinaman by the name of Young Hoon in the neck at the Chinese camp. When arrested he claimed that Young Hoon had tried to poison him. Tuesday evening a Japanese by the name of Yoshida was stabbed by a fellow countryman, who had not been apprehended last night. The victim was wounded in the abdomen and was brought to this city.

### A MILLIONAIRE'S WILL.

In the office of William Waldorf Astor on the Thames embankment stands a steel desk, one of the curiosities of which is the petty cash drawer, always filled with sovereigns. Mr. Astor, it is said, likes to feel that he is always in command of sufficient ready cash to buy anything that may happen to catch his eye, and thus from the mode of hisward proceeds to his library he takes handfuls of gold just as he would any ready money.

# THE LATEST NOMINATIONS

## Election Supplies Are Provided at Home This Year.

In addition to those previously reported, the following nominations for the Legislature have been filed in the office of A. L. C. Atkinson, Secretary of the Territory:

### SENATORS.

First Senatorial District—John T. Brown, J. B. Kaohi, O. T. Shipman, J. F. Woods.

Second Senatorial District—A. N. Hayselden, S. E. Kalama, Williams White.

Third Senatorial District—J. M. Dowsett.

Fourth Senatorial District—J. K. Gandall, L. Nakapahu.

### REPRESENTATIVES.

First Representative District—David Ewaliko, A. Fernandez, Wm. L. Keolani, M. Kekino, Jas. D. Lewis, T. N. Nalelehu, W. H. Shipman, Carl S. Smith, Henry West.

Second Representative District—H. M. Kaniho, J. W. Keiliko, Chas. Ka Keauhou, S. Laxaro, Chas. H. Pula.

Third Representative District—W. J. Coelho, George Copp, W. P. Hata, C. L. Kookoo, D. H. Kahaulelo, John Kallio, Moses K. Nakuina, Philip Pall.

Fifth Representative District—A. S. Kaleiopu.

Sixth Representative District—G. W. Mahiko, Chas. A. Rice.

### ELECTION SUPPLIES.

At the general election two years ago the inspectors were furnished with packages of assorted supplies put up by a San Francisco house. They were a great improvement on the old makeshifts of commercial blank books, corporation tally sheets, etc. Then Secretary Carter procured the supplies on samples enterprisingly furnished by the Coast house because nothing of the kind had been known here before.

Secretary Atkinson this year placed orders for all of the supplies with local printing and stationery houses, obtaining outfits for the polls every whit equal to the imported article.

The assortment to be sent to each board of inspectors includes books for voters' lists, tally sheets ready to give as many as 750 votes to a candidate, linen bags with printed address for forwarding returns to the secretary, telescope envelopes and boxes containing pens, pencils, sealing wax, twine, etc. The more difficult work, such as making the telescope envelopes, was performed by the Hawaiian Gazette Co.

### KAUAI G. O. P.'S ENDORSE CARTER

The Kauai Republicans in adopting their platform last week, heartily endorsed the Carter administration. The platform reads as follows:

"The Republican party of Kauai in convention assembled this first day of October, 1904, renews its allegiance to the principles and traditions of the Republican party of the nation and endorses the sentiments expressed in the Republican territorial platform adopted by the Territorial Convention at Hilo, Hawaii, on the first of September, 1901.

"We particularly endorse the conservative and economic policy of our governor, George R. Carter, at a time when the financial condition of the Territory was seriously crippled, and we consider the territory and the Republican party should congratulate itself that it has at this time a Republican Governor of wisdom and executive ability.

"We also endorse the Territorial platform wherein the support of the party is pledged to the re-election of Delegate Kalaniano'le, and we hereby express our appreciation to our Delegate for the benefits we have received in the way of federal favor through his efforts.

"Kauai being solely a farming community, we believe in the disposal of unoccupied public lands to bona fide settlers upon most favorable terms, but we do not endorse any policy that would in any manner jeopardize the chief industry of this island from which all citizens of Kauai, either directly or indirectly derive their living and the country's revenue, and we believe the farmer at home, who has made the country what it now is, should be given fully as much consideration as the unknown and untried farmer from abroad.

We particularly charge our senators and representatives to give their undivided time and attention to the deliberations of the Legislature while it is in session not only to prevent unwise and extravagant legislation for the Territory as a whole, but also to see that Kauai is given its rightful proportionate share of the appropriations for the repair and improvement of our schools, court houses, jails, roads, etc., many of which are in a disgraceful condition.

"We believe in the establishment of County Government, not because it may be the most economical policy in theory for the Territory, but because we believe that County Government alone will free Kauai from taxation without proper compensation, and assure its rightful participation in needed appropriations. A centralized form of government should be more economical but the financial condition of the Territory of late is the strongest argument that we can advance to show that the theory of centralized government has not benefited Kauai in the past, either through failure of the system or its directing it.